

OFFICIAL COPY

Fresno, California

November 10, 1998

The Council of the City of Fresno met in regular session at the hour of 9:03 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Garry Bredefeld	Councilmember
	Mike Briggs	Vice President (arrived later)
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Chris Mathys	President

Jeff Reid, City Manager
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

An unidentified Pastor gave the invocation.

Students of Powers-Ginsburg School led the Pledge of Allegiance to the Flag.

PROCLAMATION OF "A DAY OF THANKS TO THE POVERELLO HOUSE")

Read and presented.

PRESENTATION OF PERFECT ATTENDANCE AWARDS TO STUDENTS)
OF POWERS-GINSBURG SOUTH SCHOOL - PRESIDENT MATHYS)

Presented.

PROCLAMATION OF "AMERICA RECYCLES DAY" - PRESIDENT MATHYS)

Read and presented.

PROCLAMATION OF "CENTRAL UNIFIED SCHOOL DISTRICT DAY" -)
COUNCILMEMBER RONQUILLO)

Read and presented.

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APPROVE MINUTES OF OCTOBER 27, 1998)

A motion and second to approve the minutes was acted upon after discussion.

DOWNTOWN STADIUM - COUNCILMEMBER STEITZ)

Councilmember Steitz noted the County recently approved a loan for the stadium and questioned the next step in the process since the City approved certain terms and conditions back in May. City Attorney Montoy stated a proposal from the Diamond Group was expected to be submitted this date which would probably require minor modifications or refinement by the City. Councilmember Steitz stated for the record the City was not holding the deal up and had carried out their part.

LAWSUIT BY CITIZENS FOR INTEGRITY IN GOVERNMENT (CFIG) -)
COUNCILMEMBER STEITZ)

Councilmember Steitz stated he was disappointed CFGI did not drop their lawsuit against the City after the City complied with their request relative to the legality of executive orders and emphasized their persistence in pursuing the lawsuit cost taxpayers \$70,000.

DOWNTOWN STADIUM - COUNCILMEMBER PEREA)

Noting the County took the time necessary to approve their loan, Councilmember Perea requested the City do the same and not be rushed. Councilmember Ronquillo stated he was optimistic the project would move forward and asked that the issue not be complicated and wait until the proposal was received. Upon question of President Mathys, City Manager Reid stated the City would be putting up Roeding Park and the old City Hall as collateral for the loan.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the minutes of October 27, 1998, approved, **as amended**, on Page 132-195, Item 5D, correcting the sentence to read: "Councilmember Perea asked that his name be removed from the item...".

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APPROVE AGENDA:

(10:00 A.M. AND 10:15 A.M.) RESOLUTIONS RELATING TO THE)
"CHESTNUT-WILLOW" NO. 2A AND 2B REORGANIZATIONS)

City Clerk Klisch corrected the items to read "**CHURCH**-WILLOW NO. 2A and 2B". So noted and corrected

(1A-19) APPROVE AGREEMENT WITH FRESNO CITY AND COUNTY)
CONVENTION AND VISITORS BUREAU. CITY TO IMPROVE EXISTING)
FRESNO WATER TOWER TO VISITOR CENTER USE - COUNCILMEMBER)
RONQUILLO)

City Clerk Klisch corrected the title to read: “Approve Lease and Adaptive Reuse Agreement between the City and the Fresno City and County Convention and Visitors Bureau (“Bureau) for the historic Fresno Water Tower.” So noted and corrected.

DIRECT STAFF TO SCHEDULE ON NOVEMBER 17, 1998: “DIRECT PARKS)
AND RECREATION STAFF TO PREPARE DOCUMENTATION/AGREE-)
MENTS TO ESTABLISH A COMMUNITY SCIENCE LEARNING CENTER)
AT GRANNY’S PARK” - COUNCILMEMBER PEREA)

Direction made.

DIRECT STAFF TO SCHEDULE ON DECEMBER 1, 1998, AGENDA: “CITY)
SUPPORT FOR EXTENSION OF MEASURE “C” FUNDING” - COUNCIL-)
MEMBER RONQUILLO)

Direction made.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

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ADOPT CONSENT CALENDAR:

(1A-1) *RESOLUTION - 36TH AMENDMENT TO AAR 98-159 APPROPRIATING)
\$2,300 FROM DISTRICT 1'S INFRASTRUCTURE FOR THE TOWER DISTRICT:)
DAILY PLANET RELATED TO CITY FEES FOR THE REMODEL OF THE)
FACILITY (DISCUSSED AGAIN LATER))

Councilmembers Steitz and Perea registered their “NO” vote on the issue, and Councilmember Perea requested the City Attorney provide a legal analysis on utilizing Council infrastructure funds for private entities for discussion later. The issue was pulled for discussion later in the meeting wherein Councilmember Steitz changed his vote.

(5D) DIRECT CITY MANAGER TO PROVIDE STATUS REPORT ON PRIOR)
 COUNCIL ACTION OF 7/21/98, WHEREIN CITY MANAGER WAS DIRECTED)
 TO PROVIDE COUNCIL WITH FISCAL IMPACT FOR THE PURPOSE OF)
 ADMINISTERING A VOLUNTEER SOCIAL SERVICES COMMISSION)
 CONSISTING OF TWO APPOINTMENTS FROM EACH COUNCILMEMBER)
 (COMMISSION CANNOT INCLUDE MEMBERS, STAFF OR EMPLOYEES OF)
 NON-PROFITS APPLYING FOR CITY FUNDING) - COUNCILMEMBER)
 BREDEFELD AND PRESIDENT MATHYS (ACTED ON LATER IN THE)
MEETING))

Kathleen McIntyre, Human Services Coalition, and other agencies in attendance, expressed their support for the issue, with Ms. McIntyre offering the assistance of the Human Services Coalition in the process. Discussed again later.

(1A-2) AWARD A CONTRACT FOR ALTERNATIVE "B" FOR PROGRAM-)
 MABLE LOGIC CONTROLLERS WITH RADIO PROGRAMMING CAPABILI-)
 TIES FOR THE WATER SYSTEM SCADA UPGRADE TO MEDALLION SUPPLY)
 IN THE ESTIMATED AMOUNT OF \$402,783.51)

(1A-3) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PRO-)
 VISIONS FOR TWO ONE-YEAR EXTENSIONS TO: (1) NORTHWESTERN)
 CARBON IN THE ESTIMATED AMOUNT OF \$78,240 TO PROVIDE AND/OR)
 REMOVE CERTAIN TYPES OF GRANULAR ACTIVATED CARBON, BID)
 SECTIONS I, II AND III; AND (2) TO NORIT AMERICAS, INC. IN THE)
 ESTIMATED AMOUNT OF \$69,723.20 TO PROVIDE AND/OR REMOVE)
 CERTAIN TYPES OF GRANULAR ACTIVATED CARBON, BID SECTIONS)
 IV, V, VI AND VII)

(1A-4) AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE)
 THE REQUIRED PRE-APPLICATIONS AND APPLICATIONS FOR FEDERAL)
 FUNDING ASSISTANCE UNDER AIP-29 AND AIP-30 FOR VARIOUS AIRFIELD)
 AND PASSENGER TERMINAL IMPROVEMENTS, SECURITY UPGRADES,)
 RESIDENTIAL ACOUSTICAL TREATMENTS, AND TO SUBMIT ALL DOCU-)
 MENTS TO THE FAA)

(1A-5) *RESOLUTION NO. 98-328 - 41ST AMENDMENT TO AAR 98-159 APPRO-)
 PRIATING \$148,300 TO UNDERTAKE THE COPS MORE 98 PROGRAM)
 FUNDED BY THE U.S. DEPARTMENT OF JUSTICE)

a. *RESOLUTION NO. 98-329 - 5TH AMENDMENT TO PAR 98-160 ADDING 12)
 PERMANENT POSITIONS TO UNDERTAKE THE COPS MORE PROGRAM)

(1A-6) PROPOSED REAPPOINTMENT OF PAUL BESELIEVRE TO THE)
 FRESNO WORKFORCE DEVELOPMENT BOARD - COUNCILMEMBER)
 BREDEFELD (FOR INTRODUCTION))

(1A-7) APPROVE SERVICE EXTENSION PAST AGE 61 FOR DEPUTY POLICE)
CHIEF L. H. MCDANIEL)

(1A-8) **RESOLUTION NO. 98-330** - APPROVING THE SERVICE PROVIDER)
AGREEMENT BETWEEN CENTRAL VALLEY AID TEAM, INC. AND THE)
CITY OF FRESNO THROUGH THE POLICE DEPARTMENT)

(1A-9) AUTHORIZE THE CITY TO ENTER INTO A CONTRACT WITH THE)
STONE SOUP FRESNO FOR THE PURPOSES OF LEASING THE PREMISES)
AT 1343 E. BULLDOG LANE AND EXECUTE THE CONTRACT IN ACCOR-)
DANCE WITH THE TERMS OF THE CONTRACT)

(1A-10) ADOPT RESOLUTION OF INTENTION NO. 1018-D SETTING A)
PUBLIC HEARING FOR DECEMBER 8, 1998, AT 10:30 A.M. ON THE)
VACATION OF A PORTION OF CORNELIA AVENUE AT DANTE)

(1A-11) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT A)
GRANT DEED AND AN EASEMENT DEED FROM GARY AND LESLIE)
CATRON AND TO EXECUTE A GRANT DEED TO MR. AND MRS. CATRON)
RELATIVE TO THE CONFIGURATION OF WATER WELL SITE NO. 212)
LOCATED AT 4561 N. WISHON AVENUE)

(1A-12) APPROVE THE PROFESSIONAL DESIGN SERVICES AGREEMENT)
WITH ROBERT BORO LANDSCAPE ARCHITECT FOR THE DESIGN OF)
PILIBOS SOCCER PARK; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR)
TO SIGN THE AGREEMENT ON BEHALF OF THE CITY)

(1A-13) ADOPT RESOLUTION OF INTENTION NO. 1017-D SETTING A)
PUBLIC HEARING FOR DECEMBER 8, 1998, AT 10:00 A.M., ON THE)
VACATION OF HAMILTON AVENUE BETWEEN PARALLEL AVENUE)
AND THIRD STREET AND ORLEANS AVENUE WEST OF SECOND STREET)

(1A-15) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE)
GRANT OF EASEMENT AND RIGHT-OF-WAY FROM THE FRESNO)
IRRIGATION DISTRICT FOR A PORTION OF THE HERNDON CANAL)
LOCATED ADJACENT TO SHAW AND HAYES AVENUES, GRANTLAND)
TRUNK SEWER PROJECT; AND DIRECT THE PUBLIC WORKS DIRECTOR)
TO RECORD SAID GRANT OF EASEMENT AND RIGHT-OF-WAY WITH)
THE FRESNO COUNTY RECORDER)

(1A-17) ***RESOLUTION NO. 98-331** - 43RD AMENDMENT TO AAR 98-159)
APPROPRIATING \$2,900 FROM DISTRICT 2'S INFRASTRUCTURE CAPITAL)
TO RESURFACE THE BASKETBALL COURT AT THE HIGHWAY CITY)
NEIGHBORHOOD CENTER - PRESIDENT MATHYS)

(1A-18) *RESOLUTION NO. 98-332 - 44TH AMENDMENT TO AAR 98-159)
APPROPRIATING \$4,500 OF DISTRICT 1'S INFRASTRUCTURE CAPITAL TO)
PURCHASE POTS, SAUCERS AND TREES TO LANDSCAPE ECHO STREET)
ACROSS FROM FRESNO HIGH SCHOOL - VICE PRESIDENT BRIGGS)

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B-1) BILL NO. B-97 - REPEALING SECTION 2-1622 OF, AND ADDING 2-1622)
TO, THE FRESNO MUNICIPAL CODE RELATING TO REGISTRATION FOR)
SELECTIVE SERVICE)

(1B-2) BILL NO. B-98 - AMENDING SECTIONS OF THE FRESNO MUNICIPAL)
CODE RELATING TO SEWAGE AND WATER DISPOSAL)

(2 - 0) On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill Nos. B-97 and B-98 introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : Briggs

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(9:30 A.M.) DISCUSSION TO DETERMINE THE PROCESS TO REVIEW AND)
PURSUE AN IMPLEMENTATION PROCESS FOR THE FRESNO ECONOMIC)
RECOVERY COMMITTEE'S FINAL PLAN - COUNCILMEMBER BREDEFELD)

Vice President Briggs arrived at 9:51 a.m. Councilmember Bredefeld reviewed the issue, stated he had discussed with the City Manager and felt the direction to move forward with was the formation a sub-committee to work with the Mayor's administration to reach common ground on the plan in 30-60 days, preferably 30 days, emphasized unemployment was one of the most important issues facing Fresno County, and commended the Mayor, City Manager and staff for their streamlining efforts.

Speaking in support and to the importance of implementing the goals of the Economic Recovery Committee's (ERC) plan were: Lou Ginise; Robert Wood, Committee Member, 1368 W. Herndon; and Anne Speake, Chamber of Commerce. Councilmember Ronquillo commented on the issue and the need to address it now. Continuing in support was Bob Jennings, Plumbers and Steamfitters Local 246.

Discussion ensued on the need to address the issue and on City fees.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, a sub-committee consisting of Councilmembers Bredefeld, Ronquillo and Steitz, 2 members from the Fresno Economic Recovery Committee, and 2 members from the general public hereby established to work with the Mayor's Administration, City staff and public participants to collaborate towards implementation of the goals outlined in the *Final Plan* of the Committee's report, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

Larry Willey was acknowledged and congratulated as the next President of the Chamber of Commerce. Councilmember Councilmember Ronquillo briefly left the meeting at 10:28 a.m.

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(10:00 A.M.) HEARING TO CONSIDER THE CHURCH-WILLOW NO. 2A)
REORGANIZATION FOR THE DETACHMENT OF 45 ACRES FROM THE)
FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER)
CONSERVATION DISTRICT, AND ANNEXATION OF THE SAME TERRITORY)
TO THE CITY OF FRESNO)

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Gloria Alvarez, 4881 E. Church, stated she currently had livestock she wanted to keep, with Supervising Planner Beach stating they would continue to be allowed under the agricultural zoning.

A motion and second to approve the resolution was acted upon after brief discussion. Councilmember Bredefeld briefly left the meeting at 10:29 a.m. Upon question of Councilmember Bredefeld, Mr. Beach clarified primate agricultural land was *not* being annexed.

Don Rutherford, area resident, questioned the effect the annexation would have on his property with Planner Bruan responding.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

1. RESOLUTION NO. 98-333 - IN THE MATTER OF THE CHURCH-WILLOW)
NO. 2A REORGANIZATION CONFIRMING THE ORDER OF REORGANIZATION)
BY ANNEXATION TO THE CITY OF FRESNO AND DETACHMENT FROM)
THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS)
RIVER CONSERVATION DISTRICT)

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 98-333 hereby adopted, and the Church-Willow No. 2A Reorganization allocated to Council District No. 5 in accordance with Fresno Municipal Code Section 2-208, by the following vote:

Ayes : Briggs, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Bredefeld, Ronquillo

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(10:15 A.M.) HEARING TO CONSIDER THE CHURCH-WILLOW NO. 2B RE-)
ORGANIZATION FOR THE DETACHMENT OF 19 ACRES FROM THE)
FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER)
CONSERVATION DISTRICT, AND ANNEXATION OF THE SAME TERRITORY)
TO THE CITY OF FRESNO)

President Mathys announced the time had arrived to consider the issue and opened the hearing. A motion and second to approve staff's recommendation was acted upon after brief discussion. Upon question of Councilmember Steitz, Supervising Planner Beach stated the property being annexed was a school site and *not* prime agricultural land.

Property owner Sandra Banos requested clarification relative to retaining her animals and questioned the plans for a nearby empty parcel owned by the Radin Family, with President Mathys and (3 - 0) Councilmember Quintero responding.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

1. **RESOLUTION NO. 98-334 - IN THE MATTER OF THE CHURCH-WILLOW)**
NO. 2B REORGANIZATION CONFIRMING THE ORDER OF REORGANIZATION)
BY ANNEXATION TO THE CITY OF FRESNO AND DETACHMENT FROM THE)
FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER)
CONSERVATION DISTRICT)

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 98-334 hereby adopted, and the Church-Willow No. 2B Reorganization allocated to Council District No. 5 in accordance with Fresno Municipal Code Section 2-208, by the following vote:

Ayes : Briggs, Perea, Quintero, Steitz, Mathys
Noes : None
Absent : Bredefeld, Ronquillo

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(10:30 A.M.) HEARING TO CONSIDER REZONING APPLICATION NO.)
R-98-27 (VESTING TENTATIVE TRACT NO. 4514/UGM), AND ENVIRON-)
MENTAL FINDINGS, FILED BY WESTCAL, INC., FOR 22.5 ACRES LOCATED)
ON THE SOUTHWEST CORNER OF N. CHESTNUT AND E. ALLUVIAL)
AVENUES)

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Sherry Larsen, 2511 E. Birch, questioned the access to Chestnut Avenue, with Planner Wahlenmaier and Gary Giannetta, Project Engineer for the applicant, responding there would be access.

Upon question of Vice President Briggs, Mr. Wahlenmaier stated the rezoning was consistent with the Woodward Park Community Plan and General Plan.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

1. BILL NO. B-99 - ORDINANCE NO. 98-84 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM)

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, it is hereby certified that prior to taking action on the rezoning, Council considered the mitigated negative declaration issued on September 16, 1998, and adopted by the Planning Commission on October 31, 1998, for Environmental Assessment No. R-4514, R-98-27; and the above entitled Bill No. B-99 approving Rezoning Application No. R-98-27 to become effective upon the recordation of a final map or maps of Vesting Tentative Tract No. 4514/UGM for any portion of the property encompassed by said tentative tract map for which a final map is recorded hereby adopted as Ordinance No. 98-84, by the following vote:

Ayes	:	Briggs, Perea, Quintero, Steitz, Mathys
Noes	:	None
Absent	:	Bredefeld, Ronquillo

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(5B) REQUEST COUNCIL APPROVAL TO REIMBURSE THE UNITED)
CALIFORNIA STATE EMPLOYEES CAMPAIGN \$100 WHICH THEY PAID)
TO RENT THE CITY'S DUNK TANK FOR THEIR ANNUAL CHARITABLE)
EVENT HELD ON 10/27/98 - VICE PRESIDENT BRIGGS)

A motion and second to approve the reimbursement was made. Councilmember Bredefeld returned to the meeting at 10:42 a.m. Councilmember Steitz requested the motion be amended to allow free use by any charitable organization. Councilmember Ronquillo returned to the meeting at 10:43 a.m.

Brief discussion ensued, the amendment was not accepted, and Councilmember Steitz made a substitute motion to allow any 501C3 organization to use the dunk tank free of charge. City Attorney Montoy advised the substitute motion was not permissible this date and recommended it be scheduled for another date, whereupon Councilmember Steitz directed the issue be scheduled in one week.

On motion of Vice President Briggs, seconded by Councilmember Perea, duly carried, RESOLVED, reimbursement to the United California State Employees Campaign in the amount of \$100.00 hereby approved, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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(5A) *DIRECT THE POLICE DEPARTMENT TO BEGIN A MANDATORY)
 WRITTEN NOTIFICATION PROGRAM IN WHICH ALL RESIDENTS WITHIN)
 A 3-BLOCK RADIUS, ALL SCHOOLS WITHIN A 2-MILE RADIUS, AND ALL)
 DAY CARE CENTERS WITHIN A 1-MILE RADIUS ARE NOTIFIED OF ALL)
 REGISTERED HIGH-RISK SEX OFFENDERS AND AT POLICE DISCRETION,)
 NOTIFICATION OF SERIOUS SEX OFFENDERS LIVING IN THEIR NEIGHBOR-)
 HOOD, AS ALLOWED UNDER MEGAN’S LAW - COUNCILMEMBERS)
 BREDEFELD AND PEREA)

Councilmember Bredefeld reviewed the issue and urged support for a more aggressive mandatory written notification program as allowed by law in addition to the Police Department’s current program emphasizing people had a right to know who was residing near their children. A motion and second to move direction was made.

President Mathys advised how he handled the issue at this district meetings and through his office, stressed the current program was working well, requested the Police Department continue to make the information available to Councilmembers and continue with the personal outreach program, and questioned the department’s position.

Lt. Carvahlo and Sgt. McFadden explained the current program which included high-risk offenders and responded to questions on the success of the program. Councilmember Steitz noted the department was currently conducting a successful program which went further than that being proposed with *personal* notification, and requested the motion be amended specifying personal instead of written.

Extensive discussion ensued on the difference between the proposal and the current program, on Los Angeles County’s program, actual number of high-risk offenders in the city, support of FUSD Superintendent Garcia for the proposal, and lack of communication with staff, with Lt. Carvahlo, Sgt. McFadden and City Manager Reid responding to concerns and questions.

Councilmember Steitz stated he would not support the proposal as it would weaken what the Police Department was already doing and reiterated his request to amend the motion to allow for *personal* notification. Councilmember Bredefeld stated no one was questioning the department’s integrity, clarified the proposal would not be in lieu of what the department was currently doing and would be an additional tool, stressed the Police Department was doing an outstanding job, noted erroneous information had been received, and amended his motion.

On motion of Councilmember Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the City Council hereby extends its support and commends the Police Department for their strong enforcement and personal notification under Megan’s law, the Department directed to continue all aspects of its current notification program, and personally notify all residents within a 3-block radius, all schools within a 2-mile radius, and all day-care centers within a 1-mile radius of all registered high-risk sex offenders, on parole or not, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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Councilmember Ronquillo acknowledged and introduced Shelly Anthony and her Son Andrew.

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(5D) DIRECT CITY MANAGER TO PROVIDE STATUS REPORT ON PRIOR)
COUNCIL ACTION OF 7/21/98, WHEREIN CITY MANAGER WAS DIRECTED)
TO PROVIDE COUNCIL WITH FISCAL IMPACT FOR THE PURPOSE OF)
ADMINISTERING A VOLUNTEER SOCIAL SERVICES COMMISSION)
CONSISTING OF TWO APPOINTMENTS FROM EACH COUNCILMEMBER)
(COMMISSION CANNOT INCLUDE MEMBERS, STAFF OR EMPLOYEES OF)
NON-PROFITS APPLYING FOR CITY FUNDING) - COUNCILMEMBER)
BREDEFELD AND PRESIDENT MATHYS)

Earlier in the meeting Kathleen McIntyre, Human Services Coalition, expressed support for the issue and offered their assistance in the process. City Manager Reid gave a brief oral report and discussion ensued on costs, staff assistance to coordinate a committee, performance standards of agencies, and purpose of the committee. President Mathys stating he wanted a committee to hear the concerns and needs of agencies and evaluate future proposals for social service funding. **(4 - 0)** Councilmember Perea recommended Council appoint one member each with President Mathys consenting. Brief discussion ensued on performance standards, utilizing Fresno County's committee structure, having a fair process, and on the committee allocating 80% of the funds with the remaining 20% to be used as discretionary funding. There was no further discussion.

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(11:00 A.M. #1) HEARING TO CONSIDER PLAN AMENDMENT NO. A-98-011)
AND REZONING APPLICATION NO. R-98-018, FILED BY PAUL LUCICH, FOR)
3.52 ACRES OF PROPERTY LOCATED AT 5602 E. BELMONT AVENUE)

President Mathys announced the time had arrived to consider the issue and opened the hearing.

Jeff Melendez, area resident, questioned and expressed concern with the type of business that would be established and its affect on the neighborhood, with Mr. Lucich, Applicant, and Supervising Planner Beach responding to the uses allowed and the anticipated used and future new car lot use. Brief discussion ensued on the background of the property and property owner responsibility for requirements and traffic issues. A motion and second to approve staff's recommendation was acted upon after additional discussion.

Councilmember Perea stated his opposition to opening Clovis Avenue up to car lots citing the proliferation of same on Belmont Avenue, and Councilmember Ronquillo stated he would like to see commercialization of the area in a positive way and a positive Clovis Avenue corridor and explained, and added he would like to see a developer meet with the property owner.

Councilmember Steitz stated he supported the applicant 100% emphasizing the property was now vacant and not generating taxes, and commended Mr. Lucich for his investment. Brief discussion ensued on plans for the property, requirement for a site plan, meeting standards, sunset clauses, and freeway plans.

Upon call, no one else wished to be heard and President Mathys closed the hearing.

1. RESOLUTION NO. 98-335 - APPROVING PLAN AMENDMENT NO. A-98-11/)
AMENDING THE ROOSEVELT COMMUNITY PLAN)
1. BILL NO. B-100 - ORDINANCE NO. 98-85 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM)

On motion of Councilmember Quintero, seconded by Councilmember Steitz, duly carried, RESOLVED, the negative declaration for Plan Amendment No. A-98-011 and Rezoning Application No. R-98-018 hereby approved; the above entitled Resolution No. 98-335 adopted; and the above entitled Bill No. B-100 adopted as Ordinance No. 98-85 subject to conditions outlined in the staff report, by the following vote:

Ayes : Bredefeld, Briggs, Quintero, Steitz, Mathys
Noes : Perea, Ronquillo
Absent : None

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(11:00 A.M.#2) CONTINUED HEARING ON REZONING APPLICATION NO.)
R-98-21, FILED BY AMANDA ELEGANT, FOR 4.5 ACRES OF PROPERTY)
LOCATED ON THE NORTH SIDE OF W. FIGARDEN DRIVE BETWEEN N.)
SANTA FE AND N. BRAWLEY AVENUES (CONTINUED FROM 10/20/98))

President Mathys announced the time had arrived to consider the issue, opened the hearing, and advised during extensive meetings consensus had been reached with the property owner that if the proposed use did not materialize, apartments would *not* be constructed on the site. Upon question of Councilmember Perea, Supervising Planner Beach stated a CUP hearing would be the safeguard for any future changes.

Upon call, no one wished to be heard and President Mathys closed the hearing.

1. BILL NO. B-101 - ORDINANCE NO. 98-86 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/BA-20/UGM)

On motion of President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Negative Declaration prepared for environmental Assessment No. R-98-21/C-98-147 hereby approved; and the above entitled Bill No. B-101 adopted as Ordinance No. 98-86, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None

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(11:15 A.M.) *BILL NO. B-92 - ORDINANCE NO. 98-87 - TEXT AMENDMENT)
NO. TA-97-08 PROPOSING CHANGES TO ARTICLE 2, CHAPTER 2, OF THE)
FRESNO MUNICIPAL CODE RELATING TO THE REQUIREMENT OF A)
CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES)

Vice President Briggs briefly reviewed the issue and advised the Restaurant Association supported the text amendment. A motion and second to adopt the ordinance was acted upon after brief discussion.

Councilmember Steitz expressed his concern stating the amendment would raise fees for restaurants and requested staff report back with an amended CUP process to eliminate what was being done at the State level and the City control. Upon question of Councilmember Bredefeld, Supervising Planner Beach clarified he City would still have control over the licenses with a CUP and stated the amendment would greatly simplify and reduce the cost and timing of the process. Councilmember Ronquillo encouraged support.

On motion of Vice President Briggs, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-92 requiring a conditional use permit for the sale of alcoholic beverages in any zone district except where expressly prohibited hereby adopted as Ordinance No. 98-87, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Mathys
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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(11:30 A.M.) HEARING ON REZONING APPLICATION NO. R-98-026, FILED)
BY NICK SHUBIN, PROPERTY LOCATED AT 3157 E. VENTURA STREET)

President Mathys announced the time had arrived to consider the issue and opened the hearing. Councilmember Quintero briefly reviewed the issue and advised the proposed rezoning was in conformance with the Roosevelt Community Plan. Brief discussion ensued on the background of the property and safeguards for any future changes.

Upon call, no one wished to be heard and President Mathys closed the hearing.

1. BILL NO. B-102 - ORDINANCE NO. 98-88 - AMENDING THE OFFICIAL)
ZONE MAP TO REZONE FROM R-1 TO C-P)

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. R-98-026 hereby approved; and the above entitled Bill No. B-102 adopted as Ordinance No. 98-88, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(5C) DIRECT STAFF TO IMPLEMENT IMMEDIATE, SHORT-TERM)
SOLUTIONS TO IMPROVE TRAFFIC CIRCULATION AND ACCESS TO)
FRUIT AVENUE NORTH OF HERNDON, INCLUDING BUT NOT LIMITED)
TO A LEFT-TURN SIGNAL AT HERNDON AND FRUIT AVENUES, AND)
STOP SIGNS AT THE HERNDON FRONTAGE ROAD AND FRUIT AVENUE;)
SOLUTIONS TO BE FUNDED BY CALCOT - PRESIDENT MATHYS)

Mehmet Noyan reviewed the issue citing the need for temporary stop signs now to be funded by Calcot and stated further consideration was necessary for a left turn signal as a permanent and short term solution.

On motion of President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff directed to install stop signs at the Herndon Frontage Road and Fruit Avenues with costs to be funded by Calcot, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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LUNCH RECESS - 12:03 P.M. - 2:21 P.M.

(1A-1) *RESOLUTION NO. 98-336 - 36TH AMENDMENT TO AAR 98-159 APPRO-)
PRIATING \$2,300 FROM DISTRICT 1'S INFRASTRUCTURE FOR THE TOWER)
DISTRICT: DAILY PLANET RELATED TO CITY FEES FOR THE REMODEL OF)
THE FACILITY)

Upon question of Councilmember Bredefeld, Vice President Briggs advised the appropriation of funds was a legal and appropriate use as stated on the resolution, with City Attorney Montoy concurring and adding this could be precedent-setting for the future. Brief discussion ensued on supporting businesses with City programs. (5 - 0) Vice President Briggs clarified the funds were not being appropriated for refurbishing the facility but for fees imposed by the City.

On motion of Vice President Briggs, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 98-336 hereby adopted, by the following vote:

Ayes	:	Briggs, Quintero, Ronquillo, Steitz, Mathys
Noes	:	Bredefeld, Perea
Absent	:	None

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(1A-14) RESOLUTION NO. 98-337 - INTENTION TO ANNEX TRACT NOS. 4561)
AND 4702 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT)
NO. 2, ANNEXATION NO. 9, AND SETTING A PUBLIC HEARING FOR)
DECEMBER 15, 1998, AT 2:30 P.M)

On motion of Councilmember Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 98-337 hereby adopted, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz
Noes : Mathys
Absent : None

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(1A-16) *RESOLUTION NO. 98-338 - 3RD AMENDMENT TO SALARY RES.)
98-161 ESTABLISHING TWO NEW CLASSES (REDEVELOPMENT PLANNING)
SUPERVISOR AND REDEVELOPMENT PROJECT PLANNER), AND ADJUST-)
ING THE SALARY RANGE FOR FOUR EXISTING CLASSES (CITY ATTORNEY,)
CHIEF POLICE PILOT, PRINCIPAL ACCOUNTANT AND TREASURY OFFICER))
AS AMENDED, DELETING THE REDEVELOPMENT PLANNER SERIES)

Sandra Brock, representing Development Department Planners who belong to FCEA, stated her opposition to the creation of the Redevelopment Planner series, and submitted written documentation, copies of which are on file in the office of the City Clerk.. Councilmember Ronquillo recommended the issue be held over one week for further review. President Mathys briefly left the meeting at 2:35 p.m.

Controller/Director of Administrative Services Souza requested Council adopt the resolution this date excluding the Redevelopment Planner classes (Item 1 of the staff report).

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 98-338 hereby adopted, *as amended*, excluding establishment of the Redevelopment Planning Supervisor and Redevelopment Project Planner classes, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : Mathys

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(1A-19) APPROVE THE LEASE AND ADAPTIVE REUSE AGREEMENT)
BETWEEN THE CITY AND THE FRESNO CITY AND COUNTY CONVENTION)
AND VISITORS BUREAU (“BUREAU”) FOR THE HISTORIC FRESNO WATER)
TOWER - COUNCILMEMBER RONQUILLO)

Lloyd Kennedy, Executive Director, Convention and Visitors Bureau, responded to questions of Councilmember Steitz relative to financing, available funding as noted in the staff report, and the Bureau’s commitment. Brief discussion ensued on funding and fundraising efforts. Councilmember Steitz clarified any needed additional funds would come from the Bureau and not the City, with Mr. Kennedy concurring stating the Bureau would not be coming back with a request for additional funding. Councilmember Quintero suggested inserts in utility bills requesting contributions be considered as an additional fundraising tool. President Mathys returned to the meeting at 2:46 p.m.

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, the Lease and Adaptive Reuse Agreement with the Fresno City & County Convention and Visitors Bureau hereby approved, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(5E) DIRECT STAFF TO PREPARE RESOLUTION TO NAME A STREET IN)
HONOR OF TERRY O. COOPER, FORMER DIRECTOR OF TRANSPORTATION;)
STREET TO BE NAMED IS GENERALLY IDENTIFIED AS THE AIRPORT)
TERMINAL ACCESS ROAD EAST AND NORTH OF E. CLINTON RAY;)
RESOLUTION TO BE CONSIDERED AT SET TIME ON NOVEMBER 17, 1998 -)
MAYOR PATTERSON AND COUNCILMEMBERS STEITZ AND BREDEFELD)

Councilmember Steitz directed the issue be set in one week at a time certain.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, staff directed to prepare a resolution to name a street in honor of Terry O. Cooper, former Director of Transportation, and November 17, 1998, at 10:45 a.m. set to consider same, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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(5F) REQUEST DIRECTOR OF TRANSPORTATION TO FORM AN AIRPORT)
ADVISORY COMMITTEE - COUNCILMEMBER STEITZ)

Briefly reviewed by Councilmember Steitz. A motion and second to approve the request was acted upon after brief discussion. Councilmembers Ronquillo and Steitz stated they would like to sit on the committee, and Councilmember Steitz responded to questions relative to Fresno County's request to form a committee and whether the committee would be a regional or City committee. Councilmember Bredefeld stated his support for a regional committee.

On motion of Councilmember Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the Director of Transportation directed to form an Airport Advisory Committee, by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	None

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Belated birthday wishes were extended to Karrie Alverson by President Mathys.

(5G) DIRECT STAFF TO DEVELOP A REQUEST FOR PROPOSALS (RFP))
FOR FOOD VENDING OPERATIONS ON THE FULTON AND MARIPOSA)
MALLS FOR FISCAL YEAR 2000; RFP SHOULD ALSO INCLUDE A DESIGN)
STANDARD WHICH COVERS SUCH ITEMS AS BOOTH SIZE, COLOR, AND)
DISPLAY OF MERCHANDISE; DESIGN STANDARD SHALL BE DEVELOPED)
JOINTLY WITH THE DOWNTOWN ASSOCIATION - COUNCILMEMBER)
RONQUILLO)

Briefly reviewed by Councilmember Ronquillo who stated there were no standards for vendors and this was part of an effort to clean up the Fulton Mall. Brief discussion ensued on code enforcement.

On motion of Councilmember Ronquillo, seconded by Vice President Briggs, duly carried, RESOLVED, staff directed to development a Request for Proposals (RFP) for food vending operations on the Fulton and Mariposa Malls for FY 2000 as outlined above, by the following vote:

Ayes : Bredefeld, Briggs, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes : None
Absent : None

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(5H) DIRECT STAFF TO PREPARE STUDY WITH APPROPRIATE DOCU-)
MENTS AND COSTS RELATED TO CREATING TWO-WAY TRAFFIC ON "P")
STREET; TWO-WAY TRAFFIC ON "P" STREET FROM VENTURA TO)
DIVISADERO JOINING SOUTHBOUND BLACKSTONE AVENUE; STAFF TO)
REPORT BACK WITH COST AND STUDY ON 11/17/98 - COUNCILMEMBER)
RONQUILLO)

Briefly reviewed by Councilmember Ronquillo who stated with the upcoming closure of "O" street for the adult school this would provide for a smooth traffic flow and easier access to the downtown area. City Manager Reid stated staff could not comply with the request as outlined in one week and recommended staff report back with the costs for a broader study on traffic patterns and strategies as opposed to focusing on one particular segment. Brief discussion ensued on funding for the study and including the Redevelopment Agency. Upon question, Mr. Reid stated he would make every effort to report back in one week on the cost for a broader study. There was no further discussion.

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(3:00 P.M.) *BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING)
TO THE ESTABLISHMENT OF RESIDENTIAL WATER RATES - PRESIDENT)
MATHYS)

Acting Public Utilities Director Anderson stated he had not had an opportunity to review the amendment in detail and requested his department be allowed to analyze the fiscal and administrative impacts prior to moving forward with introduction.

Mr. Leone reviewed the background of the issue as related to his property and stated the code relative to rates was illegal and unfair to property owners with 6,000 to 9,000 square feet of property as they were not able to waive a supplemental charge and explained, and requested adoption of the amendment which would give smaller sized property owners the same considerations as those with larger sized parcels.

President Mathys made a motion to introduce the amendment as proposed and along with Mr. Anderson and Director of Administrative Services Souza, responded to questions relative to why the issue was brought forward at this time, water meters as a solution, **(6 - 0)** and impact to staff time and resources. Mr. Leone clarified he felt the issue was he was not being given the same rights as those with lots over 9,000 feet.

Councilmember Perea questioned if there was the will to defer the issue to allow staff to review, with President Mathys stressing he wanted to move the issue forward this date, stated he supported the ability for property owners to appeal, and reiterated his motion, which was seconded by Councilmember Steitz. Brief discussion ensued on the legality of the ordinance with City Attorney Montoy advising it had been approved as to form but her concern was approval would be a little piece of resolving a big problem. Upon question, Mr. Leone stated he had been in contact with staff who had personally reviewed the property.

Paul Deffenbach, 6346 N. Del Mar, stated there would be an impact on staff to evaluate and analyze the issue and suggested utilizing certified landscape architects to perform the evaluation as a way to reduce costs and explained.

Councilmember Steitz recommended including all residential lots instead of limiting it to those lots with 7,000 square feet and requested a staff report on implications before approving the ordinance. Councilmembers Ronquillo and President Mathys briefly left the meeting at 3:22 p.m. City Manager Reid commented on the issue and recommended staff be allowed to analyze the impacts and report back prior to introduction noting they opposed moving forward with these types of strategies which would probably be a band-aid approach to a larger problem.

A motion was made to table the issue and upon question, Mr. Reid stated staff would report back on December 1st.

On motion of Councilmember Steitz, seconded by Councilmember Perea, duly carried, **RESOLVED**, the bill amending the Fresno Municipal Code relative to establishment of residential water rates tabled to December 1, 1998, at 3:00 p.m., by the following vote:

Ayes	:	Bredefeld, Briggs, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo, Mathys

President Mathys returned to the meeting at 3:24 p.m. Mr. Leone clarified the amendment was not about getting in the way of water meters but was about fairness and rights to those affected by the additional charge.

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(3:15 P.M.) APPEARANCE BY BARBARA PYLE, CONCERNED CITIZENS)
FOR SENIORS, REQUESTING FORMATION OF A SENIOR COMMISSION)

Speaking to the issue were: Wallace Taylor, support for a commission; Alma Margosian, 3619 N. Orchard, opposed to the Fresno City College Administration building as the site for the future senior citizens center; and Michael O'Hare, Hoover Area resident, support for a commission for equal representation for all areas. Councilmember Ronquillo returned to the meeting at 3:31 p.m.

Stating they did not see the need for another commission were: Lorraine Person, 5661 N. Callisch, Fresno-Madera Area Agency on Aging (FMAAA) Advisory Council; and Billy Carter, Chairman, FMAAA Advisory Council.

Barbara Pyle stated her support for a commission and submitted written documentation on the proposed Senior citizens' Commission, a copy of which is on file in the office of the City Clerk.

Brief discussion ensued. Councilmember Ronquillo stated his support for the issue adding there was always room for volunteers and those who wanted to make contributions.

Upon the request of Councilmember Quintero, Barbara Vivian, FMAAA, advised of the FMAAA Advisory Council structure and how those interested in serving on the Council could apply. Vice President Briggs briefly left the meeting at 3:43 p.m. and returned for closed session.

President Mathys and Councilmembers Bredefeld commented on the issue, stated whether or not a commission would be formed an Advisory Council was already in place, and recommended coordination. The issue was taken under advisement and there was no further discussion or action taken.

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(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY)

The City Council convened in joint session with the Redevelopment Agency at the hour of 3:47 p.m. in the Council Chamber, City Hall.

APPROVE AGENCY MINUTES OF OCTOBER 27, 1998)

On motion of Councilmember Quintero, seconded by President Mathys, duly carried, RESOLVED, the Agency minutes of October 27, 1998, approved as submitted.

AGENCY CONSENT CALENDAR:

**(“A”) REINSTATE THE REDEVELOPMENT AGENCY STIPEND - COUNCIL-)
MEMBER PEREA)**

Removed from the agenda by Councilmember Perea who directed staff reschedule the issue for mid-December.

**(“B”) COUNCIL RESOLUTION NO. 98-339 - DESIGNATING THE SOUTH)
FRESNO INDUSTRIAL REVITALIZATION SURVEY AREA FOR REDEVELOP-)
MENT SURVEY PURPOSES - CHAIR RONQUILLO)**

A motion and second to adopt the resolution was acted upon after brief discussion. Agency Director Fitzpatrick and City Manager Reid responded to questions of Councilmember Steitz on General Fund impacts when the issue comes back to Council, with City Manager Reid recommending the Agency Director be directed to present pass-through funds as a funding option. Brief discussion on redevelopment and tax revenues and costs for the surveys.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 98-339 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Mathys
Noes	:	None
Absent	:	Briggs

DIRECT STAFF TO SCHEDULE IN ONE WEEK UNDER REDEVELOPMENT:)
AGENCY:)
(1) DIRECT REDEVELOPMENT AGENCY AND CITY STAFF TO NEGOTIATE)
AN OPTION FOR RAILROAD PROPERTY BETWEEN TULARE AND VENTURA)
STREETS AT A PER-SQUARE-FOOT SALE PRICE AND REPORT BACK IN 45)
DAYS; AND)
(2) AUTHORIZE THE REDEVELOPMENT AGENCY TO PREPARE AN RFP)
OR RFQ FOR USE AND RESTORATION OF THE SANTA FE DEPOT IN)
ACCORDANCE WITH STANDARD HISTORIC PRESERVATION AND REUSE)
STANDARDS - COUNCILMEMBER RONQUILLO)

Direction made.

The joint bodies adjourned at 3:57 p.m.

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President Mathys recognized and acknowledged Mr. Rick Uker, who was the victim of a serious hit and run accident, for his work and volunteer efforts in the community.

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(2:00 P.M.) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:)

(A) EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9,)
SUBDIVISION (a) - CASE NAMES:)

1. VANESSA RUSSELL, ET AL. V. CITY OF FRESNO, ET AL))
2. CALIFORNIA HOUSING COUNCIL V. CITY OF MALIBU (AMICUS)
CURIAE))
3. PETER MUSTACIOLA V. CITY OF FRESNO)

(B) ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9,)
SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: VANESSA)
RUSSELL (KATIE RUSSELL) V. CITY OF FRESNO, ET AL.)

The Council met in closed session in Room 2125 at the hour of 4:00 p.m. to consider the above issues, recessed, and reconvened in regular open session at 6:11 p.m.

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(6:00 P.M.) CONSIDER AGREEMENT WITH BURLINGTON NORTHERN)
SANTA FE (BNSF) RELATING TO RAIL ROUTE CONSOLIDATION, SHAW-)
MARKS GRADE SEPARATION CONSTRUCTION, CLOSING OF TEN (10))
EXISTING AT-GRADE CROSSINGS, RAILROAD FRANCHISE ELIMINATION,)
AMTRAK STATION SITE AND CONSTRUCTION, HISTORIC SANTA FE)
DEPOT SITE, BUILDING AND LAND EAST OF THE RAILROAD TRACKS)

(7 - 0) President Mathys named and commended individuals involved in the project. City Design Engineer Kassabian reviewed the staff report as submitted at length.

Speaking to the issue were: Juan Arambula, Chair, Board of Supervisors, who expressed concerns with the agreement and stated the County was committed to rail consolidation; Supervisor Sharon Levy, who stated the County was not officially opposed to the grade separation project and urged the City to work with the County to make consolidation happen; and Paul Bartlett, County Spokesperson on the issue, who advised and explained the County's concerns at length and requested the Council conceptually approve the issue this date and refer the agreement to the Rail Committee for review.

Continued speakers were: Eugene Wong, 6078 N. Hazel, support for the underpass (8 - 0); Bob Farrar, 3073 W. Bullard, support; Dennis Filgas, 2011 E. Tyler, concern with the street closures; Stebbins Dean, Executive Director, Chamber of Commerce, support; Students from El Capitan School: Myrna Batoon, Student Body President Candy Rangel, Student Council President Maria Cruz, Jennifer Hata and Linda Vo, support for the underpass; Mike Haney, 7301 N. Brooks, support; and Hal Avakian, support.

Speaking in support of consolidation were: James Wilburn and Daniel Wilburn, 342 W. Warner.

Continuing in support of the underpass were: Peter Morris, 5101 N. Pleasant; Frances Arnold, 3867 E. Bellaire Way; and Linda Sandoval, 4307 W. Holland.

Sylvia Mehas, District 1 resident, expressed concerns with the Blackstone and McKinley crossings and other dangerous crossings throughout the city.

Continuing in support of the underpass were: Michael Conner, 3335 W. Stuart; Sandra Brock, representing the FCEA Board of Directors; (9 - 0) and Richard Fairbanks, Member of the Law Firm of Dwayne Zinkin, 2377 W. Shaw #112, on behalf of Dwayne Zinkin, property owner of the northwest, southwest and southeast corners of Marks and Shaw Avenues.

Continued speakers were: Charles Maskal, 1225 W. Dayton, support for consolidation; David Pappas, Locomotive Engineer for BNSF Railroad, Legislative Representative for the Brotherhood of Locomotive Engineers Division 553, and Executive Committee Chair of the California State Legislative Board and Brotherhood of Locomotive Engineers, speaking as a concerned citizen, support for the underpass; Roger Anderson, President, Pearson Realty, 2550 W. Shaw, opposed to underpass; Adam Hauter, 2301 E. Lewis, Lewis Market, concerns with the street closures and impact to businesses; and Mike Strmiska, 2741 W. San Jose, support for underpass under Marks Avenue only and urged consolidation be addressed aggressively.

Speaking in support of consolidation were: Anne Goodman, 1296 N. Poplar; and Fran Tanner, 3695 N. Van Ness, who also questioned the funding source of the underpass campaign. Harold Frieser, 155 W. Niles, spoke in support of the underpass and consolidation and in opposition to the agreement with the railroad. George Poplin, 3142 W. Escalon, spoke in support of the underpass. Jerry Zamora, business owner at 2024 E. Lewis, expressed concern with the street closures.

Speaking in support of the underpass were: Brett Weiner, President, Downtown Association; and John Mitchell, 439 N. Chestnut. Frank Seabury, 2554 W. Morris, Registered Civil Engineer in the transportation field, spoke to the issue of traffic circulation and traffic control. Pat Dennis, 7218 W. Cherry Hills Drive, Peoria, Arizona, whose brother was killed at the crossing on July 11th, read a letter from her Father urging support for the underpass.

Upon call, no one else wished to be heard and President Mathys closed the public testimony portion of the meeting.

(10 - 0) President Mathys stated his support for the project and played a informational videotape on the Shaw/Marks rail crossing including accident statistics. Vice President Briggs emphasized everyone supported rail consolidation; stressed the State should participate and make it a high priority issue adding it was much larger than a County problem; requested a report back from staff on operation of trains in the city limits; and stated he would support the grade separation project as the funding was in place. Councilmember Ronquillo commented on the issue stating he had made the argument on other rail crossings and explained; stated the City had to make the best decision with what resources were available now emphasizing the underpass was the most practical project at this time; and stressed he wanted to see left-turns prohibited onto to Santa Fe and Shaw Lane.

Mr. Kassabian, City Manager Reid, and Mr. Pappas responded to questions of Councilmembers Quintero and Bredefeld relative to amount of funding from the state for the project, required use of those funds, state-wide project priority list, application process, the proposed 10 street closures, dialog and meetings with the County on consolidation, City funding for the project, mitigation measures, PUC, Federal and State rankings of the Shaw-Marks crossing, BNSF's support for consolidation, cost for consolidation, and the franchise agreement. **(11 - 0)**.

Councilmember Bredefeld briefly commented on the issue; stated he was sensitive to business owners' concerns relative to the street closures; emphasized this was not an issue of consolidation **or** the underpass; and stressed funding was now in place to make the crossing safer and he would support the project.

Councilmember Perea commented on the issue, stated he was not sure the underpass was needed; emphasized the answer was consolidation with a true partnership with BNSF; and expressed concerns with the agreement stressing BNSF should share part of the cost and explained. Councilmember Steitz stated the issue was real simple and expressed his support for and benefits of the project.

1. **RESOLUTION NO. 98-340** - APPROVING AND AUTHORIZING EXECUTION)
OF THE AGREEMENT WITH BURLINGTON NORTHERN AND SANTA FE)
(BNSF) RAILWAY COMPANY)
2. **RESOLUTION NO. 98-341**- AUTHORIZING THE FILING OF AN APPLI-)
CATION FOR STATE FUNDS AND VERIFYING THAT SUFFICIENT LOCAL)
FUNDS WILL BE MADE AVAILABLE AND THAT ALL OTHER MATTERS)
PREREQUISITE TO AWARDING THE CONTRACT FOR GRADE SEPARATIONS)
ON MARKS AVENUE AND SHAW AT THE BURLINGTON NORTHERN AND)
SANTA FE RAILWAY COMPANY'S TRACKS IN THE CITY OF FRESNO WILL)
BE UNDERTAKEN)
3. **RESOLUTION NO. 98-342** - AUTHORIZING THE PUBLIC WORKS DIRECTOR)
TO NEGOTIATE AND EXECUTE FUND TRANSFER AGREEMENT NO. 75A0045)
FOR \$5,357,911 WITH CALTRANS FOR CAPITAL SUPPORT OF THE NEW)
FRESNO INTER-CITY RAIL STATION)

On motion of President Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution Nos. 98-340, 98-341 and 98-342 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Briggs, Quintero, Ronquillo, Steitz, Mathys
Noes	:	Perea
Absent	:	None

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DIRECT STAFF TO SCHEDULE ON NOVEMBER 17, 1998: "APPROVE WAIVER)
OF FEES FOR USE OF SAROYAN THEATER FOR SERVICES IN MEMORY OF)
MARGARITA FLORES" - COUNCILMEMBER RONQUILLO)

Direction made.

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ADJOURNMENT)

There being no further business to bring before the Council, the hour of 9:40 p.m. having arrived and hearing no objections, President Mathys declared the meeting adjourned.

DATED this _____ day of _____, 1998.

Chris Mathys, President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk